

Heavy Duty Truck Rule Fact Sheet | April 2023

This fact sheet intends to support and inform MFN and its members on the ongoing Heavy Duty Truck part of the Zero Emission in Freight Campaign, its relevant developments, and the future at stake.

The first rulemaking of EPA's Clean Trucks plan (often referred to as the **Heavy Duty Truck Rule**) is an emission standard that limits the pollution coming from **new** heavy-duty trucks. The Rule limits Nitrogen Oxides (NOx) or smog-forming pollution that is emitted from the tailpipes of these new trucks across all 50 states. This rule was finalized December 2022. Based on the demands that MFN put in their public and written comments, the rule fell short. This put additional pressure on the next Phase of the EPA truck rules, Phase III Greenhouse Gas Rule. This fact sheet is intended to share summary detail about what MFN demanded over the course of the rulemaking process and what we will be demanding for the future rules.

MFN Related Background on the Heavy Duty Truck Rule

This past December, the Environmental Protection Agency (EPA) released a final HDT Rule falling short of frontline community demands, demonstrating a missed opportunity to guarantee emission reductions from Heavy Duty Trucks in EJ communities and chart a course toward zero emissions.

MFN has consistently demanded that EPA has the ability and responsibility to set the strongest standards possible with a goal of ZERO EMISSIONS. It is well known that HDTs contribute to worsening public health and environmental crises, and that EJ communities are suffering from unhealthy levels of air pollution from heavy-duty trucks.

MFN members, environmental justice communities, and health experts from across the country reiterated their critical demands and advocated for the strongest possible HDT Rule; the EPA's finalized rule fell short of our demands.

EPA adopted the HDT rule in December 2022 that did not mention zero emission vehicles once. While there will be

some reduction in overall emissions from heavy-duty trucks, the language in the rule, coupled with what is missing from the rule, leave questions on just how impactful this regulation will be for environmental justice communities.

What's in the FINAL HDT Rule

The **rule does not include** some of the most critical demands MFN has made. It does aim to reduce emissions in the long term, but not nearly at the pace needed to ensure benefits for EJ communities.

- **Nitrogen Oxides standards.** The new rule will require a 35 mg NOX/bhp-hr emissions on the current test procedure, compared to 200 mg NOX/bhp-hr for today's new trucks, a reduction on paper of 82.5%; but:
- **The rule creates loopholes that manufacturers and large corporations can exploit at the cost of frontline communities.** While the rule revamped out-of-date requirements that led to real-world emissions reductions far less than those achieved in lab tests, an eleventh-hour addition by the agency opened a new gap in effectiveness that could lead to up to 60 percent more NOX emissions than what is targeted by the rule.

What MFN demanded the EPA include in the FINAL Heavy Duty Truck Rule

- **Freight trucks, heavy duty trucks, must be addressed in this rule.** A strong ZE requirement, including for class 7 and 8 tractors, would tend to electrify port trucks first because those tractors are the most ripe for electrification given their limited range. **So unlike the normal model where new engine technologies come out and those are bought by the long-haul companies and over the years those trucks get handed down until they end up in drayage service, a focus on ZE trucks might actually flip that and result in new trucks going straight into drayage because they are a better fit.**
- Adopt a final rule that is stronger than the California-based Heavy Duty Omnibus Rule. In doing so, the final rule needs to be more stringent than the two proposed options in the draft rule;

- Require zero emissions sales mandate with a 100% target no later than the model year 2035;
- Mandatory idling standards that are more stringent than what exists in states;
- Reject the “pre-buy/no-buy” myth: that complying with new standards comes at an exorbitant cost, causing fleets to stock up on older truck models before the new standard comes into effect (“pre-buy”) resulting in a sharp decrease in sales after the standard begins (“no-buy”);
- Improve on, and/or include, critical labor, public health, and environmental justice analysis and recommendations;
- Retire all combustion trucks on or before 2045;
- Consider environmental justice impacts and priorities “from source to tailpipe to grave”; and
- Prevent industry use of false solutions (e.g., carbon trading and “greenwashed” energy from non-renewable and heavy-polluting sources such as natural gas, biomass, etc.).

What’s Missing in the HDT Rule

The rule falls short of what’s needed to eliminate truck emissions and does not create a clear pathway to zero emissions. The final rule did not match the stringency of the most advanced diesel emissions controls already required by state rules.

Next Steps

New freight rules must guarantee emission

reductions in EJ communities. EPA must ensure that any future rule requires prioritization of environmental justice communities and ensure that there will be guaranteed emission reductions for EJ communities.

EPA must grant in full California’s Heavy-Duty

Truck Waiver Rules. California has passed heavy-duty truck rules that are stronger than what the EPA has been proposing. These waivers are critical for California and for other states who are working to pass the Heavy-Duty Omnibus Rule, Advance Clean Truck Rule and additional heavy-duty truck regulations that require ZE and set a stronger emission standard than the now final federal rule.

EPA’s Phase 3 Greenhouse Gas Standard will limit the carbon dioxide (CO2) emissions coming from new heavy-duty trucks starting in 2030. It follows similar rules first adopted in 2011. The EPA announced the draft rule will be released in March 2023 with a goal of being finalized by the end of 2023

- EPA’s Phase 3 regulations must include a multipollutant standards approach
- Address the HDT Rule’s gaps.
- Phase 3 GHG rule must include a clear pathway to zero emission with a sales mandate.
- Freight trucks, heavy duty trucks, must be clearly prioritized and addressed for a transition to zero emissions in the Phase 3 GHG Rule.
- EPA must include an environmental justice and public health analysis to inform the stringency of the rule and the implementation phase.

Resources and References

[“EPA, Do the Right Thing on Truck Pollution.”](#) Atenas Mena and Patricio Portillo, Natural Resources Defense Council. December 14, 2022.

[“EPA enacts tougher pollution rule for trucks, vans and buses.”](#) Anna Phillips, The Washington Post. December 20, 2022.

[“EPA’s Truck Rule Misses the Mark.”](#) Britt Carmon and Patricio Portillo, Natural Resources Defense Council.

[“Making the Case for Zero-Emission Solutions in Freight: Community Voices for Equity and Environmental Justice.”](#) The Moving Forward Network. May, 2021

[“Meet the Organizations Fighting for Zero-Emissions Freight.”](#) Ramenda Cyrus, The American Prospect. April 27, 2022.

MFN’s [Heavy Duty Truck Campaign Webpage](#). <https://www.movingforwardnetwork.com/heavy-duty-trucks/>

[“New Truck Standard Falls Short of What’s Needed to Protect Communities from Pollution.”](#) Dave Cooke, Union of Concerned Scientists. Dec 20, 2022.

[Overview page of EPA’s upcoming Regulations for Greenhouse Gas Emissions from Commercial Trucks & Buses Rule](#)

[“The EPA’s New Truck Rule Is a Modest Step When What Is Needed Is a Giant Leap.”](#) Dave Cooke, Union of Concerned Scientists. Dec 20, 2022.